



PATENT  
Docket No. 359872000810

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Assistant Commissioner for Patents, Washington, D.C. 20231, on April 4, 2002.

  
Kerry Keehan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gilles H. TOPOLSKY and David W.  
OSBORNE

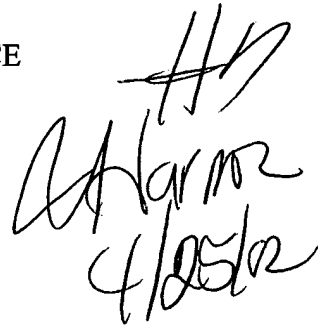
Serial No.: 09/684,682

Filing Date: October 4, 2000

For: PHARMACEUTICAL CARRIER  
DEVICE SUITABLE FOR DELIVERY  
OF PHARMACEUTICAL  
COMPOUNDS TO MUCOSAL  
SURFACES

Examiner: E. Webman

Group Art Unit: 1617

  
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**RESPONSE TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This Amendment is responsive to the first Office Action (Paper No. 6) dated March 5, 2002, for which a Response is due on April 4, 2002.

Applicants respectfully traverse the Restriction and submit that the asserted basis for the Restriction is insufficient. Accordingly, Applicants request that the Restriction be reviewed and modified for the reasons provided herewith.

The Examiner has stated that the application contains claims directed to the following patentably distinct species of the claimed invention: A) Group A (claims 19-24), drawn to a method for treating mucosal surfaces; B) Group B (claims 25-30), drawn to a method for treating wounds or burns; C) Group C (claim 31), drawn to a method of protecting a site in the oral cavity; and D) Group D (claim 32), drawn to a method for systemic delivery.

Applicants respectfully disagree. The methods described in Groups A-D require the identical step of "applying an adherent film." As such, the processes employed in the claims are not materially different. Therefore, Applicants submit that the Restriction Requirement between Groups A-D is improper, and respectfully request that it be withdrawn.

In the event that the Restriction Requirement is maintained despite the above discussion, Applicants hereby elect Group A (claims 19-24), directed to a method for treating mucosal surfaces, and the subspecies of hydroxypropyl cellulose as the film-forming polymer and non-adhesive backing layer polymer, sodium carboxymethylcellulose as the bioadhesive polymer, and a vasoconstrictor as the pharmaceutical, with traverse.

Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits. Furthermore, Applicants would like to bring to the Examiner's attention that claim 33 was canceled in a Preliminary Amendment submitted October 4, 2000.

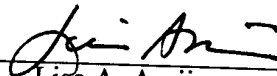
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to

charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 359872000810. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 4, 2002

Respectfully submitted,

By:



Lisa A. Amii

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# TRANSMITTAL FORM

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Total Number Of Pages In This Submission

4

Application Number

09/684,682

Filing Date

October 4, 2000

First Named Inventor

Gilles H. TAPOLSKY

Group Art Unit

1617

Examiner Name

E. Webman

Attorney Docket No.

359872000810

## ENCLOSURES (check all that apply)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form                                   | <input type="checkbox"/> Assignment Papers<br>(for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                               |
| <input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences           |
| <input checked="" type="checkbox"/> Amendment / Reply - 3 pages                 | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition  | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declarations                                | <input type="checkbox"/> Petition to Convert to a Provisional Application                  | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                              | <input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):               |
| <input type="checkbox"/> Express Abandonment Request                            | <input type="checkbox"/> Terminal Disclaimer   | 1. Return/receipt postcard.   |
| <input type="checkbox"/> Information Disclosure Statement                       | <input type="checkbox"/> Request for Refund  |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                 | <input type="checkbox"/> CD, Number of CD(s) _____   |   |
| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application   |  |   |
| <input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 |  |   |

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304-1015

or

Individual Name

Lisa A. Amii, Reg. No. 48,199

Signature

Date

April 4, 2002

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Kerry Keehan

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